

**COMPLAINT 2005 - NO. 4
IN RE SIMS**

Jurisdiction Determination - Dismissal

I. Nature of the Complaint

The complainant alleges that he testified at a public hearing before the Senate Ways and Means Committee in opposition to Senate Bill 5539 and that his opposition to the bill was not noted in the committee bill report. He alleges that Ways and Means staff person Brian Sims was the person identified as responsible for preparing the report for publication and that Mr. Sims violated RCW 40.16.030 through his failure to produce an accurate report. Mr. Sims has acknowledged that the complainant's testimony against the bill was not included in the committee's first bill report. A corrected, second bill report has been issued which notes the complainant's testimony and opposition to the bill.

II. Determination of Jurisdiction

The statute referenced by complainant to invoke the jurisdiction of the Board in this matter is a penal statute, enforceable only by a court of competent jurisdiction. It creates a Class C felony, punishable by imprisonment for not more than five years or by a fine of not more than five thousand dollars, or both, for the offense of knowingly procuring or offering certain documents for filing, registration or recording, which are false or forged. RCW 42.52.320 limits the jurisdiction of the Board to enforcement of Chapter 42.52, the Ethics in Public Service Act, and states in pertinent part:

Authority of legislative ethics board

(1) The legislative ethics board shall enforce this chapter and rules adopted under it with respect to members and employees of the legislature.

III. Conclusion and Order

After fully considering this matter, the Board concludes that it lacks jurisdiction over the subject matter of the complaint. The complaint is hereby dismissed.

James A. Andersen, Chair

Date